REMARKS

This responds to the Office Action mailed on <u>November 3, 2005</u>.

Claims <u>1-31</u> are presently pending in this application.

§103 Rejection of the Claims

Claims 1-3, 7-8, 9-17 and 20-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Makarios et al. (U.S. 6,401,125) in view of Green et al. (U.S. 6,003,084). The proposed combination of references must not run contrary to the individual teachings of the references cited and the proposed combination must be workable if made.

The Examiner asserts with the present action that Green, not Makarios, is being used for the teaching of a transparent proxy and policy module within the same environment. Applicant initially notes that this was not clear to Applicant in the last action where it appeared the Examiner was relying on Makarios for this portion of the claims as recited. It now appears in this action that the Examiner is more specific about what reference teaches what aspect of the claims and is more specific as to why the two were being combined with one another in the first instance.

Applicant notes that Makarios and Green are not compatible with one another and in fact, combining Green with Makarios cannot be done without running contrary to the teachings of the individual references. Makarios specifically teaches customizing web viewing for a user by means of a proxy that includes presentation attributes from a particular user that is independent of any particular service the user may access over the Internet.

In support of this interpretation, the Examiner's attention is directed to Makarios, column 5 lines 1-24. Here, it can be seen that Makarios is attempting to teach the ability to customize an interaction or presentation with a particular website in which a client may never have interacted with before. See, Makarios, column 4, lines 20-37. To do this, the teaching in Makarios relies on a proxy that includes a cookie associated with that proxy and which is attached by the client to all requests for a web service. The client attached cookie is then identified by the proxy as its cookie and the cookie includes a name of the user; the name of the user is used as an index or a key for personalizing a user's experience during the user's initial or subsequent web service

interactions. See, Makarios, column 4, lines 39-48. This, it is alleged, can be done even in the absence of the user having never interacted with the web service before.

Applicant respectfully asserts that Makarios will not work with a transparent proxy as the Examiner appears to be asserting by combining it with the transparent proxy of Green. This is so, because the client in Makarios must be initially aware and configured to interact with the proxy, which by definition is a forward proxy and is not a transparent proxy configuration. If the client has never interacted with the proxy in Makarios then it is configured to interact via a form that the client fills out on initial use or interaction with the forward proxy. See, Makarios. Column 5, lines 10-18. This is achieved via the user being presented with a first time and signup web page for interacting with the forward proxy.

Thus, contrary to what the Examiner is asserting Makarios cannot be included with Green to achieve the type of teachings that the Examiner alleges because, Makarios relies on a forward proxy and a client that is aware and configured to interact with the proxy, which by definition is not a transparent proxy but rather a forward proxy.

Accordingly, Applicant respectfully asserts that the proposed combination of Makarios and Green is not compatible because if it were done it would defeat the teachings of Makarios and any such combination does not explain how a first time use of the Makarios proxy can be achieved if done via a transparent proxy and not via the forward proxy taught in Makarios. In fact, Applicant respectfully asserts that the proposed combination cannot be achieved because the teachings in Makarios will no longer work if done via a transparent proxy as the Examiner asserts.

Therefore, the proposed combination is impermissible and should be withdrawn. Applicant respectfully requests an indication of the same.

Claims 4, 6, 18-19 and 29-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Makarios et al. in view of Green et al. as applied to claims 1-3 above, and further in view of Callaghan et al. (U.S. Publication No. 2002/0007317). Claims 1 and 6 are dependent from independent claim 1; claims 18-19 are dependent from independent claim 14; and claims 29-30 are dependent from independent claim 27, thus for the remarks presented

above with respect to the claims 1, 14, and 27, the rejections of claims 4, 6, 18-19, and 29-30 should be withdrawn.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Makarios et al. in view of Green et al. in view of Callaghan et al. as applied to claim 4 above, and further in view of Birrell et al. (U.S. 5,805,803). Claim 5 is dependent from independent claim 1; therefore for the remarks presented above with respect to claim 1, the rejection of claim 5 should be withdrawn.

Claim 31 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Makarios et al. in view of Green et al. as applied to claim 27 above, and further in view of Lim (U.S. 6,728,884). Claim 31 is dependent from independent claim 27; therefore for the remarks presented above with respect to claim 27, the rejection of claim 31 should be withdrawn.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE   Page 12
Serial Number: 09/484,691   Dkt: 1565.035US1
Filing Date: January 18, 2000
Title: BROKERING STATE INFORMATION AND IDENTITY AMONG USER AGENTS, ORIGIN SERVERS, AND PROXIES

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.
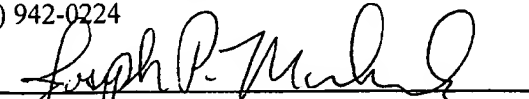
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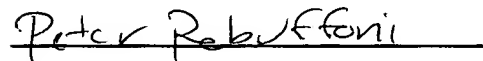
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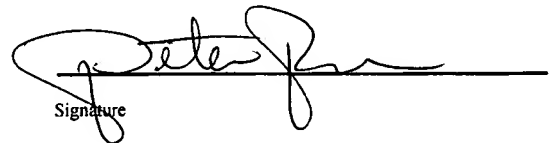Minneapolis, MN 55402
(513) 942-0224

Date __1-03-06__   By _____

Joseph P. Mehrle
Reg. No. 45,535

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this __3__ day of January, 2006.

Peter Robuffoni

Name   Signature